

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)
)
Plaintiff,)
) No. 3:11-CV-114
v.) (VARLAN/SHIRLEY)
)
WILLARD S. MCCORMICK,)
)
Defendant.)

MEMORANDUM AND ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and Standing Order 13-02. Now before the Court is the Government's Motion for Contempt and Sanctions and supporting memorandum filed by the Government by and through Suzanne H. Bauknight, United States Attorney for the Eastern District of Tennessee. [Doc. 14 & 16]. In these documents, the Plaintiff contends that the Defendant should be held in contempt for failure to comply with this Court's Memorandum and Order of May 27, 2014. [See Doc. 13].

A Default Judgment was entered against the Defendant on August 8, 2011 in the amount of \$66,069.04, plus interest accruing at the legal rate from the date of judgment. [Doc. 8]. As part of its effort to collect the judgment debt, Plaintiff sent Defendant certain post-judgment discovery requests, which went unanswered. [See Doc. 10]. The Plaintiff then filed a Motion to Compel Post Judgment Discovery, [Doc. 9], which this Court granted in its Memorandum and Order of May 27, 2014. [Doc. 13].

The Court finds that Defendant has not complied with the Memorandum and Order of this Court. The Defendant was served with the original post-judgment discovery request in May of 2012, over two years ago. [See Doc. 10]. Thus, Defendant has had more than enough time to

comply with Plaintiff's discovery requests. Accordingly, the Court finds Defendant's cooperation in providing discovery to be woefully inadequate.

Upon the Motion for Contempt and for Sanctions filed by the Government, and the declaration and memorandum submitted in support of such motion, it is

ORDERED that the Defendant provide full and complete answers to the Government's post-judgment discovery requests or appear before the United States District Court for the Eastern District of Tennessee, presided over by the undersigned in his courtroom in the United States Courthouse, at Knoxville, Tennessee, on **October 9, 2014 at 2:30 p.m.**, to show cause why he should not be held in contempt for his failure to comply with this Court's Memorandum and Order [Doc. 13]. See Fed. R. Civ. P. 37(b)(2)(A).

Defendant is **ADMONISHED** that failure to provide full and complete answers to the Government's post-judgment discovery requests or failure to appear before this Court on **October 9, 2014 at 2:30 p.m.** will likely result in the Court finding Defendant in contempt of court and this Court issuing sanctions, potentially including an award of fees, expenses, fines and/or incarceration.

The Government shall file notice by **October 7, 2014** to show whether Defendant has complied with this Court's Order by providing full and complete answers to the Government's post-judgment discovery requests.

The Clerk of Court is **DIRECTED** to serve a copy of this Order, via certified mail, on Defendant Willard S. McCormick at 7144 Pisa Circle, Corryton, Tennessee 37721.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge